

Existing law provides that the fire marshal shall make or cause to be made a special examination of the circumstances surrounding each fire of suspicious origin and of any fire reported to have been caused by design.

Existing law further provides that, in the performance of this duty, the fire marshal or his authorized representative may take or cause to be taken testimony from persons supposed to be cognizant of any fact which may relate to the cause of any fire. The fire marshal may secure testimony under oath and have it reduced to writing.

New law provides that, in the furtherance of this investigation, the fire marshal or his authorized representative has the power to issue subpoenas and subpoenas duces tecum to summon witnesses and compel the production of documents, papers, books, records, and other evidence, and to administer oaths and affirmations to those persons subpoenaed.

New law requires any fire marshal employee to serve any process that is directed to him by the fire marshal or his authorized representative.

New law provides that if a person fails to comply with the subpoena, a 19th JDC judge, upon ex parte motion, may issue an order awarding process of the subpoena.

New law further provides that if the person refuses to comply with the order, the fire marshal may apply to a judge for an attachment for contempt. New law authorizes the judge to issue an attachment for the arrest of the person.

New law authorizes the judge to enforce obedience by a fine not to exceed \$100, imprisonment, or both, and to compel the person to pay court costs associated with the proceeding.

New law provides that proceedings held pursuant to new law are summary in nature.

New law provides that a violation of a subpoena issued by the clerk or an order issued by the judge may be punishable by the judge as contempt.

Effective August 15, 2010.

(Amends R.S. 40:1568(B); Adds R.S. 40:1568(D))